

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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EMPIRE STATE CARPENTERS WELFARE,
PENSION, ANNUITY, APPRENTICESHIP,
CHARITABLE TRUST, LABOR
MANAGEMENT COOPERATION, and
SCHOLARSHIP FUNDS, CHRIS FUSCO, DAVID
HAINES, TODD HELFRICH, AARON HILGER,
JAMES HOLLEY, TOM BURKE, WILLIAM
BANFIELD, ALAN EHL, FRANK JONES,
JAMES LOGAN, WILLIAM MACCHIONE,
JAMES MALCOLM, LLOYD MARTIN,
ANGELO MASSARO, PATRICK MORIN, DOUG
O'CONNER, JOHN O'HARE, ROSS PEPE,
ALAN SEIDMAN, DALE STUHLMILLER,
LARRY THAYER, STANLEY TURTENWALD,
WILLIAM WEIR, FRANK WIRT,

Plaintiffs,

-against-

DE CAP INSTALLATIONS & CONSTRUCTION
CO., INC.,

Defendant.

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APPEARANCES:

Slevin & Hart, PC

Attorneys for the Plaintiffs

1625 Massachusetts Ave NW, Suite 450

Washington, DC 20036

By: Christopher James Schulte, Esq., Of Counsel

ORDER

10-CV-14 (ADS)(ARL)

Levy Ratner P.C.

Attorneys for the Plaintiffs
80 Eighth Avenue, 8th Floor
New York, NY 10011-5126

By: Owen M. Rumelt, Esq., Of Counsel

NO APPEARANCES:

De Cap Installations & Construction Co., Inc.

SPATT, District Judge.

The plaintiffs commenced the present action against the defendant on January 5, 2010, asserting various labor-related causes of action. On June 24, 2010, the Court entered a default judgment against the defendants, and referred the matter to United States Magistrate Arlene R. Lindsay for an inquest as to damages. On February 14, 2011, Judge Lindsay issued a thorough Report recommending that (1) the defendant be directed to permit and cooperate in the audit of its books and records within thirty days of the date the Court's order is entered, and (2) that the plaintiffs be awarded \$935.94 in attorneys' fees and costs. To date, no objection has been filed to Judge Lindsay's Report and Recommendation.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only

satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Lindsay’s Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Lindsay’s Report, the Court adopts the Report.

For the foregoing reasons, it is hereby:

ORDERED that Judge Lindsay’s Report and Recommendation is adopted in its entirety, and it is further

ORDERED that the Clerk of the Court is directed to enter a default judgment against the defendants in the amount recommended by Judge Lindsay; and it is further

ORDERED that the defendant is directed to permit and cooperate in the audit of its books and records within thirty days of the date of this Order; and it is further

ORDERED that the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
March 17, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge